IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 804 of 2006

Mary Patrao & Ors. .. Appellants

versus

The Municipal Corporation of

Gr.Mumbai & Ors. .. Respondents

...

Mr.G.S. Godbole for the appellants.

CORAM : D.G. KARNIK, J

DATED : 23rd November 2006

P.C.:

1. Heard learned counsel for the appellant.

2. Leave under section 80(2) was granted by the trial court on 15th November 2006. Mr.Godbole fairly concedes that thereafter notice required to be given to the government under second part of sub-section (2) of section 80 was not issued to the government. In view of

this,, he seeks leave to withdraw the appeal with liberty to move the trial court for issuance of the notice under second part of sub-section(2) of section 80 to the government. Leave granted.

3. The appellant shall also have a liberty to move the trial court for giving notice through the Advocate.

4. Appeal disposed of as withdrawn.

(D.G. KARNIK, J)